



WHEN LEGAL SERVICES CROSS BORDERS INTO AND OUT OF THE EU

- latest developments for lawyers

26 January 2026
09:00 - 11:00 CET
Online on Zoom



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Claire Whittaker, European Commission

Overview of latest developments affecting lawyers and law firms

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Legal services and trade agreements

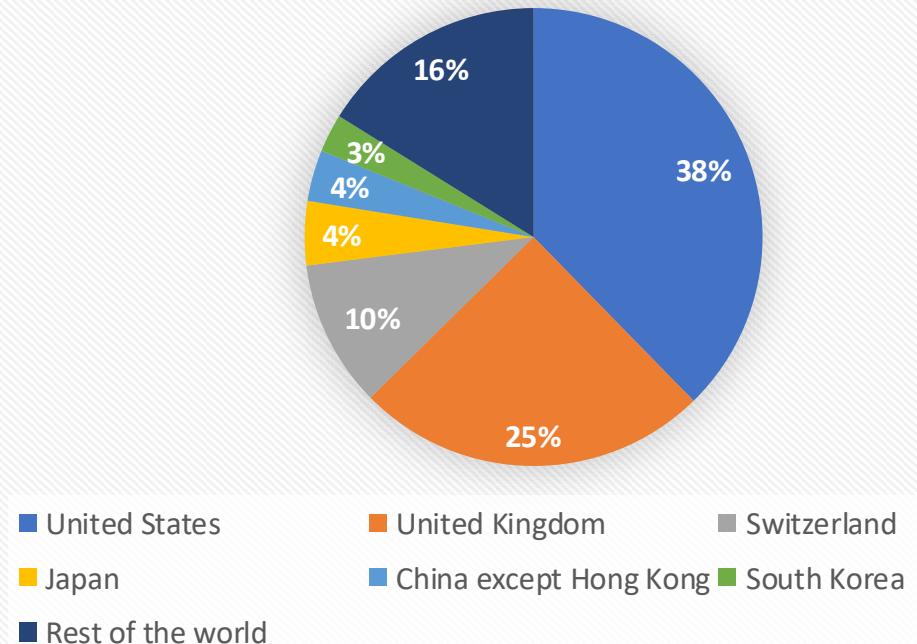
Services are a cornerstone of trade liberalisation and of the EU economy

Trade agreements help legal professionals to supply services internationally by providing:

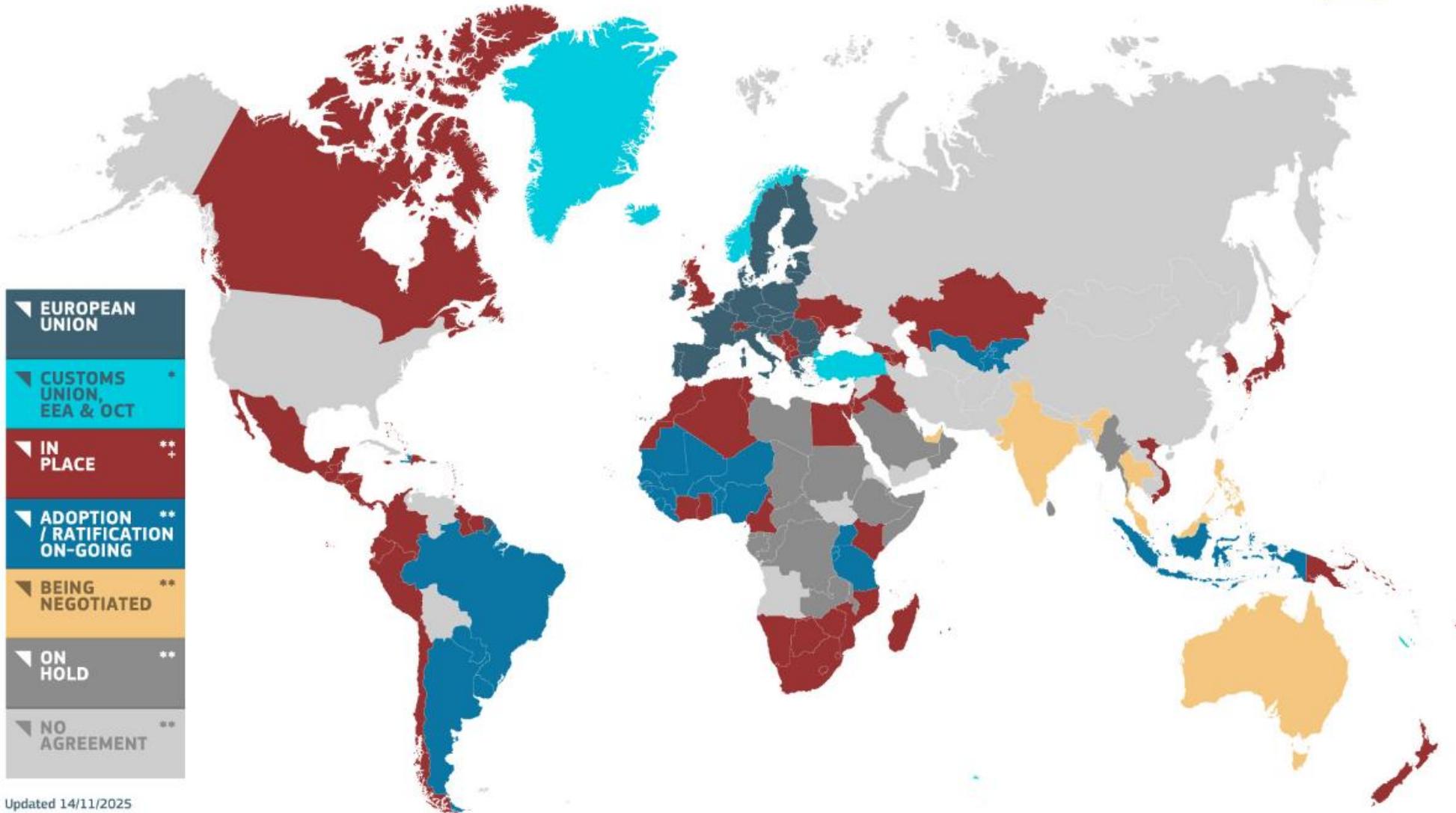
- Market access for legal services
 - Cross-border (online or in person)
 - By commercial presence (operating a law firm)
- Guarantees on administrative processes
- Facilitation of supply of digital services
- Framework for recognition of professional qualifications



EU trade in legal services, by export market



EU Trade agreements 2025



* European Economic Area (EEA) / Overseas Countries and Territories (OCT).

** Free Trade Agreement (FTA), Deep and Comprehensive Free Trade Agreement (DCFTA), Enhanced Partnership and Cooperation Agreement (EPCA), Partnership and Co-operation Agreement with preferential element (PCA).

+ The updated agreements with Tunisia, and Eastern and Southern Africa are currently being updated; the updated agreement with Chile is under ratification. The DCFTA with Georgia does not apply in South Ossetia and Abkhazia.

The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the European Union concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.



Challenges to liberalising trade in legal services



- Variety of types of legal services
- Highly regulated profession
- Lack of recognition of foreign qualifications

Legal services in the EU- UK Trade and Cooperation Agreement

- Valuable and predictable market access:
 - UK does not discriminate or set quantitative limitations for many types of legal services
 - More conditions on domestic legal services, but cannot be made more restrictive
- Facilitation of supply of “designated legal services”



Recognition of qualifications in trade agreements

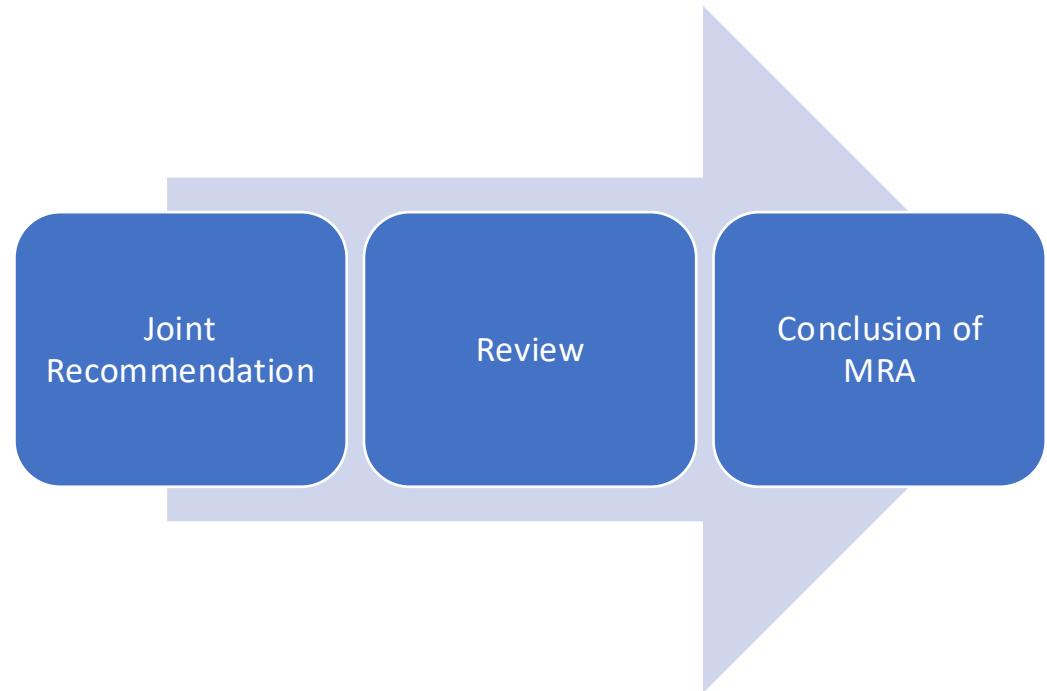
- Trade agreements allow for mutual recognition of professional qualifications
 - WTO General Agreement on Trade in Services – Article VII
 - No direct recognition in trade instruments



EU approach to recognition of professional qualifications

Objective: facilitate the supply of services in foreign markets by enabling or facilitating compliance with local rules for regulated professions

Tool: Mutual Recognition Arrangements



Where next?

- Recent agreements
 - EU-Mercosur
 - MRA for architects with Canada
- Under negotiation
 - EU-India
 - EU-UAE
 - EU-Philippines
 - EU-Thailand
 - EU-Malaysia





Thank you ! Questions ?



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David Lévy

Overview of CCBE views and policies

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Introduction

1) The ILS Committee of the CCBE is working on all issues related to international legal services in the interests of European lawyers

Monitors developments which may impact on the international provision of legal services

Focuses on

- market access issues
- domestic regulation issues
- long term or temporary mobility of third countries' lawyers
- initiatives related to recognition of qualifications from third countries (for instance through MRAs), and Foreign Legal Consultant status

CCBE position papers on International legal services

<https://www.ccbe.eu/actions/committees-working-groups/?idC=530&Committee=International%20Legal%20Services>



2) The nature of legal services involve

- The rights and interests of clients
- Public trust in the justice system and in the legal profession
- The quality of legal services themselves, which requires specific training for lawyers, both in law and in professional ethics

3) These legal services are internationalized in the context of the globalization of the economy

4) Legal services involve strong regulation and supervision, both of services and of those who provide them

4.1. What do regulation and supervision cover?

- The qualifications of legal service providers
- The professional title used (fair and accurate information for the public)
- The manner in which lawyers are allowed to practice their profession outside of the EU:
 - Freedom of movement of persons and services
 - Freedom of establishment
 - Freedom to provide services
 - Possibilities of forming partnerships with lawyers
- The areas of law in which they are authorized to practice (domestic law in which a lawyer is qualified, third country law in which a lawyer is qualified, international public law)

4.2. Who is responsible for regulation and supervision?

- Regulation: the European Union and other international bodies
- Regulation: the national authorities of EU Member States
- Regulation and Supervision within those States: the bar associations / law societies



I – Discussions within the WTO

The WTO and its Agreements regulate trade in services between its 166 Member States. This includes professional services, among them legal services.

Within the framework of multilateral discussions, WTO Member States attempted to regulate the conditions for the provision of legal services.

Discussions aimed at liberalizing these services and achieving greater market openness among Member States, within the Doha Round, ultimately reached a deadlock.

The EU then changed its strategy to negotiate and conclude bilateral or Regional Trade Agreements (RTAs) which provide for opening



II – Negotiation and conclusion of trade agreements by the EU

1) Conclusion of bilateral and regional agreements that include provisions on opening legal services to professionals from the signatory parties

South Korea / Canada (CETA) / Cariforum / Singapore

Main objectives regarding legal services include:

- Market Access
- Mutual Recognition of Qualifications
- Regulatory Cooperation
- Non-Discrimination
- Transparency
- Consumer Protection
- Facilitating Trade and Investment

2) Revision of the EU-UK Trade and Cooperation Agreement (TCA) (Brexit consequences)



III – Specific tools

1) Mutual Recognition Agreements (MRAs)

Article VII of the GATS: an agreement between two or more members of WTO aimed at mutually recognizing professional qualifications, certifications, or training standards in a specific field, such as legal services.

Key elements of a MRA:

- Recognition of Qualifications
- Facilitation of Market Access
- Improvement of Mobility
- Harmonization of Standards
- Voluntary Commitment

2) FLC status models

2.1. CCBE Guidelines establishing a Model Foreign Legal Consultant (FLC) Status which provides the conditions to obtain the licence and a standard definition of the legal practice that Third Country Lawyers might perform in a CCBE Member State.

2.2. Work in progress on joint practice between a local lawyer and the FLC (partnership, association...)



IV – EU Recommendation on the Recognition of Third-Country Qualifications and the Skills Portability Initiative

Objective: promoting fair labor mobility and ensuring the effective functioning of the Single Market

Proposals on

- Freedom of Movement of Lawyers within the European Union
- Recognition of third country qualifications, , simplifying procedures and removing unnecessary barriers

Discussion on Article 79 TFEU and the fact that Member States are competent to set their own rules with regard to the access to the legal profession and the recognition of qualifications of TCNs (under the GATS rules).

CCBE's draft position paper will be discussed during its Standing Committee on February 12, 2026.



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Mickaël Laurans

Overview of Opportunities for EU Lawyers in Markets Around the World

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The global landscape: a patchwork of opportunities



- **Legal services are increasingly globalised**
 - Plenty of opportunities for EU lawyers
 - Opportunities within international firms, within EU firms expanding into key regions, as well as within “local” firms
 - Opportunities practising in-house
 - Opportunities to requalify to enhance your international practice – rare but possible
- **However, it remains a fragmented landscape of opportunities**
 - Each country/jurisdiction will regulate things differently, across a wide spectrum from closeness to openness: Knowing the national/state regulatory framework is key!
 - Crossing physical borders can be a pain and business mobility/immigration provisions are also key.
 - Focus on home title practice, joint practice (with “local” lawyers) and requalification
 - FTAs and MRAs can help but more could be done.

Mapping the opportunities: the drivers of international legal practice



- **Legal hubs in global/regional financial centres:** NY, London, Singapore, Hong Kong – as well as offshore centres
- **Large trading partners**
 - G20 accounts for 80-85% of GDP
 - Most of them are open (one way or another) to foreign legal practice but not India (yet?) and we exited Russia
- **Factors of proximity**
 - **Geographic proximity**
 - EFTA: the EU lawyers' directives apply
 - EU Candidate countries
 - UK
 - **Historical, cultural and/or linguistic proximity**
 - Francophone, Hispanophone, Lusophone world

United States and Canada – Structured Access



USA

- Largest legal services market in the world
- Foreign Legal Consultant (FLC) status in 33 states
- Requalification via bar exams (e.g. NY, CA)
- EU firms in New York and Silicon Valley.

Canada

- FLC status and joint practice in most provinces
- Requalification possible but complex

United Kingdom – Open Market



- Second largest legal services market in the world
- Home title practice widely accepted
- Requalification possible through SQE in England and Wales
- 40+ EU firms well established in London
- Business mobility a key factor to consider

Asia-Pacific – Hubs and Emerging Markets



- Hong Kong: OLQE requalification route; 90+ foreign firms
- Singapore: 4 licences; QFLP scheme; joint ventures allowed
- Japan: Gaiben system; joint practice permitted
- PR China: Representative offices only; joint operations in Shanghai FTZ
- South Korea: foreign law firms permitted; joint venture possible but limited in practice.
- Indonesia: Local alliances
- India (2023): Foreign firms to be allowed to advise on foreign/international law?
- Rest of ASEAN/Central Asia: Mixed access; local alliances common

Middle East – Liberalising Access



- UAE: DIFC/ADGM allow foreign firms to practise freely
- Saudi Arabia (2023): Licences and joint ventures now permitted
- Practice as legal consultants; requalification rare

Latin America – Regional Integration



- Home title practice for foreign law
- Brazil: foreign firms limited to non-Brazilian law
- Light regulation in Spanish-speaking countries
- Joint practice common in Mexico, Colombia, Peru, Chile

Africa – Strategic Hubs and Alliances



- Home title practice in Morocco, South Africa
- Joint ventures and alliances due to local ownership rules
- Historical links to some jurisdictions

EU Law Firms' Global Offices: a selection



Law Firm (Origin)	Offices Outside the EU
Gide Loyrette Nouel (FR)	New York, London, Algiers, Casablanca, Tunis, Istanbul, Shanghai
Cuatrecasas (ES)	New York, London, Mexico City, Bogotá, Lima, Santiago, Casablanca, Luanda, Maputo, Shanghai
Garrigues (ES)	New York, London, Mexico City, Bogotá, Lima, Santiago, Casablanca, Shanghai
Noerr (DE)	New York, London
Luther (DE)	Singapore, Shanghai, Bangkok, Ho Chi Minh City, Jakarta, Kuala Lumpur, Jakarta
Arthur Cox (IE)	New York, Silicon Valley, London, Belfast
Wolf Theiss (AT)	Belgrade, Sarajevo, Tirana, Kyiv
Mannheimer Swartling (SE)	New York, Singapore

Key Takeaways



- EU lawyers are globally active and adaptable
- Home title practice is widely accepted but not everywhere
- Joint ventures enable local integration
- Requalification is rare but possible
- Regulatory reforms (e.g. Saudi Arabia, India?) are expanding access
- EU firms have a strong global presence
- More could be done to support the sector's international ambitions



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Iain Sandford, Chair IBA BIC Committee on International Trade in Legal Services

The impact of digitalisation and AI on International trade in legal services

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Overview & Introduction



- Diagnosis: the transformation underway
- Prescriptions:
 - Upholding core principles
 - Actions for lawyers
 - Role of regulators and Bars
- Conclusion – some key takeaways



Diagnosis: The Transformation Underway



Shift from Traditional to Digital Delivery

- Early 1990s – pre-digital: where cross-border issues arose, lawyers supplied services through commercial presence in the foreign market (“mode 3”) or through fly-in, fly-out delivery (“mode 4”) (where permitted)
- Cross-border supply of the service (“mode 1”) was rare: “people didn’t know what mode 1 looked like” until email became prevalent
- Over the past 30 years, digital technologies enable services to move more easily through electronic transmission of email, video, etc.
- Result: Broader global reach for any given lawyer, reshaping who supplies cross-border services



Dataflows as Core to Modern Lawyering

- The analogue world: work clunky but safely siloed by jurisdiction.
- Today's digital reality:
 - Cloud/AI value chains contribute to the production of legal services (research pipelines (e.g., LexisNexis); KM systems; AI document review (e.g., Harvey.ai); automated processing (e.g., Exhibit Manager)
 - Legal services now embed international digital inputs, akin to manufacturing value chains
 - Legal services delivered via internet-enabled communication tools
 - Digitalization increases vulnerability to cybercrime – scams, hacking, fraud
- Legal not alone: akin to numerous other digitally enabled services



Evolving Regulatory Landscape

- Sharper international focus: Data protection/localization blocks flows; AI ethics vs. trade rules
- Bars and regulators: Concerns about unauthorized practice with remote delivery and non-local automated or AI tools sold to non-lawyers; fragmented ethics
- Broader tension: Domestic rules an impediment to legitimate competition and as non-tariff barriers to digital trade



International trade agenda

- Multilateral agenda
 - WTO GATS, Domestic Regulation disciplines, e-Commerce negotiations
 - Control of proposed fiscal measures: “moratorium”
- Bilateral/regional trade examples
 - Power-based US bilateral trade deals (permanent moratorium; no DSTs)
 - Principle-based regional trade agreements (e.g., CPTPP) & emerging digital trade agreements (balancing freedom of dataflows with regulatory space for legitimate policy objectives)
- Implications for legal services
 - Mode 1 Facilitation: Duty-free digital transmissions
 - Regulatory Fragmentation creates compliance friction for cross-border firms
 - Tensions over policy space under different trade agreement models

Summary: a fistful of data



The good

- Efficiency: Faster multi-jurisdictional research, outcome prediction, etc.
- Routine task automation
- Quality control improvements

The bad

- Potential regulatory drag: regulatory fragmentation gives rise to compliance costs and compliance risks
- Emerging professional responsibility gaps (who is responsible for AI errors?)

The ugly

- New risks: Cyber breaches expose confidential and/or privileged information
- Potential for misuse of technology – e.g. hallucinations in court filings
- Potential for unauthorized practice by bots



Prescriptions: Upholding the Profession's Core Principles

Grounding in IBA Principles

- Independence
- Honesty, integrity, fairness
- Confidentiality
- Competence
- Reasonable fees
- Development and deployment of tech must advance not erode fundamental principles





Actions for Lawyers

- Understand tools:
 - Understand/track data flows and storage location to protect confidentiality; conduct data audits
 - Maintain competence: Understand AI limitations (hallucinations, bias, context blindness) and when human control is non-negotiable
- Avoid substitution: Tech augments information processing, judgment, and quality control; does not replace lawyers' professional responsibility
- Drive efficiency: in a competitive market efficiency will ultimately benefit clients
- Ensure transparency: Disclose tech use for trust/integrity



Role for Regulators and Bars

- Understand the technology, the benefits and the risks
 - Engage with legal tech vendors, academics, and practitioners to understand capabilities and risks
 - Distinguish between AI that augments (safer) and AI that substitutes (risky); regulate differently.
- Empower the profession: Provide guidance/training; promote safe innovation/experimentation; hold lawyers accountable
- Focus policy: Protect consumers/integrity, not incumbents; enable cross-border innovation and competition for the benefit of clients
- Coordinate internationally: share insight & best practice; harmonize (or mutually recognize) standards to reduce compliance fragmentation



Conclusion



Key Takeaways

- Technology is changing the nature of international trade in legal services
- Technology is yielding efficiency gains and promises much more
- But the risks and challenges have potential to go to the heart of the profession's values so must be navigated carefully and thoughtfully by lawyers and regulators alike
- As the challenges are global, international trade discussions have a role to play (if not the WTO, then in agreements between pairs or groups of likeminded countries or regulators)



Thank you!